

Serial No. 09/534,403

REMARKS**STATUS OF THE CLAIMS**

Claims 2-7, 9, 11-13, and 16-17 have been pending in the application.

Claims 2-7, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (U.S. 5,938,734), Ueno et al. (U.S. 6,438,596) and Kanazawa et al. (U.S. 6,580,870).

It is believed that claims 16 and 17 have not been rejected.

Claims 3, 9, 11, 12 and 13 are amended and claims 16 and 17 are cancelled without disclaimer or prejudice.

Thus, claims 2-7, 9, and 11-13 remain pending for reconsideration, which is respectfully requested.

No new matter has been added. The foregoing rejection is hereby traversed.

REJECTION

Claims 2-7, 9 and 11-13 are rejected under 35 USC 103(a) as being unpatentable over Yao (US Patent No. 5,938,734) in view of Ueno (US Patent No. 6,438,596) and Kanazawa (US Patent no. 6,580,870). Kanazawa is newly cited, and, thus, newly relied upon.

However, it is believed that claims 16 and 17 have not been rejected.

The Office Action Response to Arguments starts on page 7, items 10-14 of the Office Action, which are repeated in entirety from the previous Office Action. Further, the Office Action in page 10 asserts, "Examiner addressed all the new limitation added to the claims." However, the Office Action does not to reject and/or consider dependent claims 16 and 17 newly added in the previous Amendment. Because the Office Action does not provide a rejection rationale for dependent claims 16 and 17, the Applicants submit that dependent claims 16 and 17 should be allowable over the prior art of record, including Yao, Ueno and Kanazawa. Otherwise, the finality of the Office Action should be withdrawn, because the finality of the Office Action is premature by failing to set forth any rejection rationale for dependent claims 16 and 17.

The present final Office Action does not meet 37 CFR 1.113(b) - Final rejection or action - "In making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support

Serial No. 09/534,403

thereof." The previous Office Action rejection rationale was clearly traversed in the previous Amendment, thus, requiring the next Office Action to expressly address the substance of the Applicant's arguments and new dependent claims 16-17. MPEP 707.07(f) provides, "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." According to 37 CFR 1.104(b), the Examiner's answer must be complete as to all matters. For example, although the Office Action in page 10 provides, "Examiner addressed all the new limitation added to the claims," contrary to MPEP 707.07(f) - Answer All Material Traversed - the Office Action fails to provide any explanation anywhere that the Examiner has considered the dependent claims 16 and 17.

In fact, the Office Action summary and page 2, item 2 still, refer to claims 2-7, 9, 11-13 and 15 as pending, where clearly based upon the previous Amendment claim 15 was cancelled and dependent claims 16-17 were newly added, so that claims 2-7, 9, 11-13, and 16-17 have been pending. Further, the final Office Action does not address the arguments presented in the previous Amendment concerning dependent claims 16-17, as though the claims can be finally rejected because they are clearly open to rejection. Which is clearly not the case, because, in contrast to the relied upon references, the claimed present invention provides, "**wherein *the reproduction control unit* is configured to *execute control related to at least one of a display layout, a reproduction speed, an image quality, and whether or not to superimpose the content with another content, as the control of the display method* of displaying the stream information of the content to be reproduced *at the receiving device*, the image quality control including at least one of a number of display colors, a lightness, and a chroma"** (e.g., previously pending dependent claim 16). The present final Office Action does not meet 37 CFR 1.113(b) - Final rejection or action - "In making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof," because the final Office Action does not provide a rejection rationale for dependent claims 16-17, so that finality of the Office Action is premature and deprives the Applicant of an opportunity to respond to rejection rationale, if any, concerning dependent claims 16-17.

Accordingly, withdrawal of the finality of the Office Action and issuance of a new Office Action (new non-final or another new final, as the case may be), or withdrawal of the rejection of pending claims and allowance of pending claims in view of the claim amendments and remarks herein, is respectfully requested. Applicants request entry of this 37 CFR 1.116 Amendment,

Serial No. 09/534,403

because it is believed that the rejected claims have been amended to include allowable features of dependent claims 16-17. The MPEP sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered. Also, amendments complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(b). Ordinarily, amendments filed after the final action are not entered unless approved by the examiner. See MPEP 706.07(f), 714.13 and 1207." Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." Applicant respectfully request consideration, approval and entry of this after final Amendment.

The independent claims are 3, 9, 11, 12 and 13, which are amended to incorporate the patentably distinguishing features of dependent claim 16, as further amended for clarity (for example, "display method control permission, a display layout comprising one or more of a display size or a display position") into claims 3 and 9, and to incorporate the patentably distinguishing features of dependent claims 16-17, as further amended for clarity, into claims 11-13.

1. Patentably Distinguishing Features of the present invention:

The present invention as illustrated, for example, in FIG. 1, is characterized in that the transit control server 20 is configured to instruct the stream server 10 and the client 30 to start and end a process, and to control in detail the methods of displaying and outputting the content that has been distributed to the client 30 as a moving picture and as voice (sound), when the content is to be reproduced at the client 30.

Specific examples of the control related to the displaying of the content at the receiving device are:

- (1) specifying a display layout for displaying a plurality of contents (Figs. 8 and 9);
- (2) prohibiting control related to a display window at the client 30 end (Fig. 10);
- (3) permitting control related to a display window at the client 30 end (Fig. 11);
- (4) specifying a display size, a reproduction speed, whether or not to reproduce sound, whether or not to display reproduction time, and whether or not to display a reproduction file name (Figs. 15 and 16);

Serial No. 09/534,403

(5) specifying whether or not to superimpose a plurality of contents and whether or not to synthesize sounds (Figs. 17 and 18);

(6) specifying a display size, a display layout, and a sound volume allocation (Figs. 18 and 20);

(7) specifying a display speed (frame rate), a number of display colors, and a sound quality (Figs. 21 and 22); and

(8) specifying a display position, a display size, a reproduction speed (frame rate), a number of display colors, a lightness, a chrome, and whether or not to reproduce sound (Figs. 23 and 24).

2. Comparison to the cited references, Yao, Ueno, and Kanazawa:

The Examiner cited a new reference, Kanazawa, which discloses display screen control of stream contents at a receiver, in addition to Yao and Ueno. However, Kanazawa discloses to display a related Web page when reproducing a DVD, based on a URL table recorded on the DVD. Therefore, Kanazawa relates to a designation of external contents to be displayed, which is different from the claimed present invention as recited in independent claims 3, 9, 11, 12 and 13 and dependent claims 16 and 17 (now incorporated, according to the foregoing, in the independent claims 3, 9, 11, 12 and 13), where "~~controlling to control~~, **over the network** according to reproduction instructions, **a display method of displaying the stream information of the content to be reproduced at to the receiving device**" (e.g., amended independent claim 3).

More particularly, the Office Action newly relies on Kanazawa to meet the claimed present invention's, "a reproduction control unit ~~controlling to control~~ the distribution control unit regarding distribution of the content to the receiving device, and "~~controlling to control~~, **over the network** according to reproduction instructions, **a display method of displaying the stream information of the content to be reproduced at to the receiving device.**" However, Kanazawa discusses when reproducing AV information from a storage medium, such as a DVD, also acquiring related information from resources on a computer network, such as the Internet (column 1, line 56 to column 2, line 32). In other words, Kanazawa relates to combining DVD video titles with the Internet or a set top box that can acquire stream data corresponding to the title information (column 8, lines 50-65 and column 20, lines 18-39).

However, it is readily apparent that Kanazawa's display of information related to stream

Serial No. 09/534,403

data being reproduced, differs from the claimed present invention's, "~~controlling~~to control, over the network according to reproduction instructions, a display method of displaying the stream information of the content to be reproduced at to the receiving device," because according to Kanazawa while the stream information is reproduced, also information related to the reproduced stream information can be designated or identified and displayed, which differs from "to control, over the network, ... , a display method" of the reproduced stream information. Kanazawa relates to a designation or identification of contents to be displayed. In other words, nowhere Kanazawa discusses "~~controlling~~to control, over the network according to reproduction instructions, a display method of displaying the stream information of the content to be reproduced at to the receiving device" (e.g., amended independent claim 3); because Kanazawa does not control over a network how the stream information is displayed as a "a display method" such as "one or more of display method control permission, a display layout comprising one or more of a display size or a display position, or a reproduction speed, an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content" (e.g., amended independent claim 3).

The Examiner in page 4 of the Office Action relies on Kanazawa's column 8, lines 50-54, which discusses:

More specifically, the first embodiment is described in connection with the case where external information is acquired on the basis of the information management table 40b in the reproduction of the title information (encoded stream) 40a stored in the DVD 40.

However, Kanazawa's management table 40b (FIG. 3) relates to designating or identifying display of the external information related to the reproduced stream information (column 6, line 43 to column 7, line 9) and management table 40b fails to disclose or suggest the claimed present invention's, "~~controlling~~to control, over the network according to reproduction instructions, a display method of displaying the stream information of the content to be reproduced at to the receiving device." In other words, in Kanazawa's FIGS. 10a-10c, the management table 40b does not control a display method of the stream information 91, but the management table 40b allows designating or identifying related information to be displayed, such as the Web mark 90.

Serial No. 09/534,403

Further, Kanazawa's attribute information, such as parental information, is for external information and relates to designating which external information can be displayed, so it differs from the claimed present invention's, "~~controlling to control, over the network~~ according to reproduction instructions, a display method of displaying the stream information of the content to be reproduced at to the receiving device."

Further, Kanazawa's, "The multiplexer 193 selects one of the outputs from the graphics display control circuit 191 and video display control circuit 192 or superposes the DVD video from the video display control circuit 192 on the VGA graphics, such as the HTML contents, from the graphics display control circuit 191 and sends the resulting data to the LCD and D/A converter 194," describes capability of a multimedia desktop PC.

It is readily apparent that Kanazawa's designation to display information related to reproduced stream information to meet the claimed present invention's, "~~controlling to control, over the network~~ according to reproduction instructions, a display method of displaying the stream information of the content to be reproduced at to the receiving device," is not appropriate.

Furthermore, it is readily apparent that the claimed present invention is patentably distinguishing over Yao, Ueno and Kanazawa, as follows. Namely, a patentably distinguishing feature of the claimed present invention is, "a reproduction control unit to control ~~controlling~~ the distribution control unit regarding distribution of the content to the receiving device, and ~~controlling to control, over the network~~ according to reproduction instructions, a display method of displaying the stream information of the content to be reproduced at to the receiving device, the display method control related to one or more of display method control permission, a display layout comprising one or more of a display size or a display position, or a reproduction speed, an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content ~~a display method of displaying the stream information of the content to be reproduced in controlling the real-time reproduction of the stream information of the content at the receiving device~~" (e.g., amended independent claim 3).

And in contrast to Yao, Ueno and Kanazawa, a patentably distinguishing feature of the claimed present invention is, "a reproduction control unit ~~controlling to control~~ over the network the distribution control unit regarding the distribution of the plurality of stream information of the contents to the receiving device, and ~~controlling to control, over the network, a display~~

Serial No. 09/534,403

method of displaying the stream information of the content to be reproduced at the receiving device, the display method control related to one or more of display method control permission, a display layout comprising one or more of a display size or a display position, or a reproduction speed, an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content, or to control, over the network, sound output as related to at least one of whether to reproduce a sound, whether to synthesize a sound with another sound, or specifying a sound volume regarding a display method of the moving picture and a reproduction method of the voice, relating to the real-time reproduction of the plurality of stream information of the contents" (e.g., amended independent claim 11).

In other words, the Office Action already acknowledges that Yao and Ueno fail to discuss the claimed present invention's, "~~controlling~~to control, over the network according to reproduction instructions, a display method of displaying the stream information of the content to be reproduced at to the receiving device," so the Office Action newly relies on Kanazawa. However, Kanazawa only discusses a designation or identification of external contents to be displayed in connection with DVD title reproduction. And clearly, Kanazawa fails to disclose or provide any motivation to be modified or to modify Yao and Ueno to provide the claimed present invention's, "~~controlling~~to control, over the network according to reproduction instructions, a display method of displaying the stream information of the content to be reproduced at to the receiving device" where "the display method control related to one or more of display method control permission, a display layout comprising one or more of a display size or a display position, or a reproduction speed, an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content" (e.g., amended independent claims 3, 9, 11, 12 and 13) and/or "to control, over the network, sound output as related to at least one of whether to reproduce a sound, whether to synthesize a sound with another sound, or specifying a sound volume" (e.g., amended independent claims 11-13).

Serial No. 09/534,403

Kanazawa is silent on the claimed present invention's over the network control of "display method control permission, a display layout comprising one or more of a display size or a display position, or a reproduction speed, an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content" (e.g., amended independent claims 3, 9, 11, 12 and 13) and/or "sound output as related to at least one of whether to reproduce a sound, whether to synthesize a sound with another sound, or specifying a sound volume" (e.g., amended independent claims 11-13).

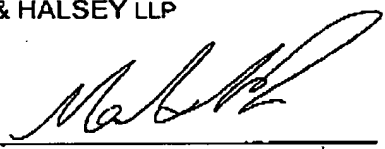
In view of the claim amendment and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

Date: December 5, 2005

By: 
Mehdi Sheikerz
Registration No. 41,307

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

on December 5, 2005

STAAS & HALSEY

By: Mehdi Sheikerz

Date: December 5, 2005